THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.872 of 2007

Dated: 09.02.2007

Between:

Yeluduti Chandra Appa Rao.

..... PETITIONER

AND

The Regional Joint Commissioner of Endowments, Kakinada, and another.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE V.V.S. RAO

WRIT PETITION No.872 of 2007

ORDER:

The petitioner was statedly a tenant of a small shop of

second respondent-temple. Initially he was inducted on a monthly rent of
Rs.21/-, which was subsequently enhanced to Rs.365/-. The lease expired on 31.03.2006. Nevertheless the Executive Officer of second respondent addressed communication/notice dated 25.11.2006 to the petitioner informing that his request to extend the lease period up to 31.03.2009 vide his representation dated 30.10.2006 has been forwarded to first respondent and that he is required to vacate the same to enable second respondent to conduct auction as per the Andhra Pradesh Charitable & Hindu Religious Institutions & Endowments Immovable Properties and other rights (Other than Agricultural lands) leases and licenses Rules, 2003, which were promulgated vide G.O.Ms.No.866 dated 08.08.2003. Aggrieved by the same, present writ petition is filed.

The learned counsel for the petitioner strenuously submits that the petitioner has always been willing to enhance the rent as and when there was extension by 33½%, that the Executive Officer also enhanced the rent from Rs.365/- to Rs.500/- in anticipation of favourable orders and therefore, the impugned notice is illegal. The petitioner's counsel also submits that even now the petitioner is willing to enhance the rent. **Opposing** the writ petition, the learned Assistant Government Pleader for Endowments placed strong reliance on the decision of this Court in **Dega Babi Reddy v. Government of A.P.** [1] in support of the contention that the Executive Officer has no authority to extend the lease and that all the movable and immovable properties and other rights have to be licenced or leased out only by conducting public auction.

There is no denial that the lease granted to the petitioner expired on 31.03.2006. There is also no denial that the representation of the petitioner for extension of lease up to 31.03.2009 has been forwarded by the Executive Officer of second respondent-temple to first respondent. Therefore, unless and until favourable orders are passed in his favour by appropriate competent authority, the petitioner cannot said to have any right to seek in this writ petition as held by this Court i n **Dega Babi Reddy v. Government of A.P.** (supra). The petitioner cannot compel second respondent temple to extend the lease and the shop or vacant site belonging to second respondent temple can be leased out by conducting auction as per law.

The writ petition is devoid of merits and the same is accordingly dismissed. No costs.

(**V.V.S.RAO, J**)

09th February, 2007
ghn

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[1] 2006(6) ALD 214